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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,101	12/20/2001	Clifford Lee Hannel	PA3545US	8647
22830	7590	08/03/2007		
CARR & FERRELL LLP 2200 GENG ROAD PALO ALTO, CA 94303			EXAMINER LEROUX, ETIENNE PIERRE	
			ART UNIT 2161	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/019,101

Applicant(s)

HANNEL ET AL.

Examiner

Etienne P LeRoux

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2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/5/07</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Status

Claims 1-14 are pending. Claims 1-14 are rejected as detailed below.

Lengthy Specification

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification. The specification of the present application comprises 126 pages.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1 includes "an information source comprising the information to be provided in response to the query of the virtual database, wherein the information source comprises an access evaluator configured to determine whether a user may have access to an information resource within the information source."

Applicant failed to point to the specification for support of the above most recent claim amendment. Furthermore, examiner cannot find any reference to above limitation in Fig. 54. For purposes of this Office action, examiner will interpret above limitation to mean the information that is retrieved from the selected row.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat No 5,634,053 issued to Noble et al (hereafter Noble) in view of US Pat No 5,701,461 issued to Dalal et al (hereafter Dalal), as best examiner is able to ascertain.

Claim 1:

Noble discloses:

a virtual database service [col 4, line 63 through col 5, line 3], comprising the virtual database table [col 5, lines 18-25], wherein the virtual database table comprises one or more rows records, col 5, line 20], each of the one or more rows comprising one or more fields [col 5, line 21],

the query comprising a field name and an indication of manner for selecting a row [col 5, line 60 – col 6, line 15],

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wherein the virtual database service is configured to receive the query, respond to the filed name and the indication of the manner for selecting a row as required to obtain the information to be provided from the information source, and providing the information as a value of the field indicated by the field name in the selected row in response to the query [col 5, line 60 – col 6, line 15]

Noble discloses the elements of the claimed invention as noted above but does not disclose an information source comprising the information to be provided in response to the query of the virtual database table, wherein the information source comprises an access evaluator configured to determine whether a user may have access to an information resource within the information source. Dalal discloses an information source comprising the information to be provided in response to the query of the virtual database table, wherein the information source comprises an access evaluator configured to determine whether a user may have access to an information resource within the information source [Fig 4, col 8, lines 40-60]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Noble to include an information source comprising the information to be provided in response to the query of the virtual database table, wherein the information source comprises an access evaluator configured to determine whether a user may have access to an information resource within the information source as taught by Dalal for the purpose of ensuring integrity of the information contained in the virtual tables by controlling access to the virtual tables.

Claim 2:

The combination of Noble and Dalal discloses the elements of claim 1 as noted above and furthermore, Noble discloses a manner of selecting a row includes a selection value; and the

information source provides a component of the information to be provided in response to a match between the selection value and a pattern that matches a plurality of values and is accessible to the information source [col 10, lines 20-25]

Claim 4:

The combination of Noble and Dalal discloses the elements of claim 1 as noted above and furthermore, Noble discloses the information source is an access evaluator which determines whether a user may have access to an information resource; the manner of selecting the row includes information from which the user and the information resource may be determined; and the provided information includes an indication of whether the user determined from the information may access the information resource determined therefrom [col 12, lines 48-55]

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

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invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Noble and Dalal in view of The Coldfusion 4.0 Web Application Construction Kit, Third Edition by Ben Forta, Nate Weiss, Michael Dinowitz, Ashley King and Davis Crawford (hereafter Forta), Published December 23, 1998.

Claim 3:

The combination of Noble and Dalal discloses the elements of claim 1 as noted above but does not disclose wherein the query is an SQL query addressing the database table; the field name is contained in a SELECT clause in the query; and the indication of the manner of selecting a row is contained in a WHERE clause in the query. Forta discloses wherein the query is an SQL query addressing the database table; the field name is contained in a SELECT clause in the query; and the indication of the manner of selecting a row is contained in a WHERE clause in the query [Listing 8.6 and Fig 8.20]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combination of references to include wherein the query is an SQL query addressing the database table; the field name is contained in a SELECT clause in the query; and the indication of the manner of selecting a row is contained in a WHERE clause in the query as taught by Forta for the purpose of selecting a table and filtering out the rows which are not of interest.

Claims 5-10, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Noble and Dalal and further in view of US Pat No 5,504,890 issued to Sanford (hereafter Sanford).

Claim 5:

The combination of Noble and Dalal discloses the elements of claims 1 and 4 as noted above and furthermore, Noble discloses the elements of claim 1 as noted above but does not disclose the access evaluator determines whether the user may have access to the information resource by considering one or more access policies, each access policy indicating whether a user group may have access to a set of information resources and access by the user to the information resource being allowed when the access policies for the user groups to which the user belongs and the sets of information resources to which the information resource belongs so indicate; and the manner of selecting the row contains membership information about the user from which membership of the user in a user group may be determined. Sanford discloses the access evaluator determines whether the user may have access to the information resource by considering one or more access policies, each access policy indicating whether a user group may have access to a set of information resources and access by the user to the information resource being allowed when the access policies for the user groups to which the user belongs and the sets of information resources to which the information resource belongs so indicate; and the manner of selecting the row contains membership information about the user from which membership of the user in a user group may be determined [collaboration amongst contributors, col 2, lines 11-23]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combination of references to include the access evaluator determines

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whether the user may have access to the information resource by considering one or more access policies, each access policy indicating whether a user group may have access to a set of information resources and access by the user to the information resource being allowed when the access policies for the user groups to which the user belongs and the sets of information resources to which the information resource belongs so indicate; and the manner of selecting the row contains membership information about the user from which membership of the user in a user group may be determined as taught by Noble for the purpose of controlling access such data consistency can be maintained.

Claim 6:

The combination of Noble, Dalal and Sanford discloses the elements of claims 1 and 5 as noted above and furthermore discloses the access evaluator uses the membership information to determine membership of the user in a user group [Sanford: Fig 8, col 12, lines 4-16].

Claim 7:

The combination of Noble, Dalal and Sanford discloses the elements of claims 1, 5 and 6 as noted above and furthermore discloses the access evaluator determines that there may be a user group such that membership in the user group would give the user access to the information resource; and the provided information indicates a method of providing further information about the user in a further query from which the user's membership in the user group can be determined [Sanford: collaboration identification, col 7, lines 20-23].

Claim 8:

The combination of Noble, Dalal and Sanford discloses the elements of claims 1 and 4-7 as noted above and furthermore discloses the further information includes authentication

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information which may be used to validate the user's identity [Sanford: collaboration identity, col 7, lines 20-23].

Claim 9:

The combination of Noble, Dalal and Sanford discloses the elements of claims 1 and 4-8 as noted above and furthermore discloses an additional information source that is an authenticator, the authenticator using the authentication information to validate the user's identity [Sanford: another collaboration identification, col 12, lines 35-41].

Claim 10:

The combination of Noble, Dalal and Sanford discloses the elements of claims 1 and 4-9 as noted above and furthermore discloses the response to the further query provides an indication whether the user's identity is valid [Sanford: Fig 8, col 12, lines 4-17].

Claim 12:

The combination of Noble, Dalal and Sanford discloses the elements of claims 1, 4 and 5 as noted above and furthermore discloses an additional information source that is an authenticator which validates the identity of the user; the authenticator uses the membership information to validate the identity of the user; the access evaluator determines membership of the user in a user group only after the authenticator has validated the user's identity [Sanford: Fig 4, 125 collaboration number, col 7, lines 15-20].

Claim 13:

The combination of Noble, Dalal and Sanford discloses the elements of claims 1 and 4 as noted above and furthermore discloses an additional information source that is an authenticator which validates an identity of the user; the manner of selecting the row includes authentication

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information which the authenticator uses to validate the user's identity; and the provided information is obtained at least in part from the authenticator and includes an indication of whether the user's identity is valid [Sanford: Fig 4, 125 collaboration number, col 7, lines 15-20].

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Noble and Dalal and further in view of US Pat No 5,115,501 issued to Kerr (hereafter Kerr).

Claim 14:

The combination of Noble and Dalal discloses the elements of claims 1 and 4 as noted above but does not disclose an additional information source that is a user profile information source which provides additional information about the user; the manner of selecting the row includes profile information gathering information which indicates to the profile information source how to gather the profile information; and the provided information is obtained at least in part from the profile information source and includes the profile information. Kerr discloses an additional information source that is a user profile information source which provides additional information about the user; the manner of selecting the row includes profile information gathering information which indicates to the profile information source how to gather the profile information; and the provided information is obtained at least in part from the profile information source and includes the profile information [Fig 6]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combination of references to include an additional information source that is a user profile information source which provides additional information about the user; the manner of selecting the row includes profile information gathering information which indicates to the profile information source how

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to gather the profile information; and the provided information is obtained at least in part from the profile information source and includes the profile information as taught by Kerr for the purpose of customization of the search query.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Noble, Dalal and Sanford and further in view of US Pat No 5,748,890 issued to Goldberg et al (hereafter Goldberg).

Claim 11:

The combination of Noble, Dalal and Sanford discloses the elements of claims 1, 4 and 5 as noted above but does not disclose an additional information source that is a user profile information source which provides additional information about the user; the information about the user includes a user information retrieval method specification that specifies how the user profile: information source provides the additional information; and the access evaluator uses at least some of the additional information to determine membership of the user in the user group. Goldberg discloses an additional information source that is a user profile information source which provides additional information about the user; the information about the user includes a user information retrieval method specification that specifies how the user profile: information source provides the additional information; and the access evaluator uses at least some of the additional information to determine membership of the user in the user group [user's role, claim 3]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combination of references to include an additional information source that is a user profile information source which provides additional information about the user; the

information about the user includes a user information retrieval method specification that specifies how the user profile: information source provides the additional information; and the access evaluator uses at least some of the additional information to determine membership of the user in the user group as taught by Goldberg for the purpose of providing additional means of authenticating a user within a user's group.

Response to Arguments

Applicant's arguments filed 7/5/2007 have been carefully considered but are not persuasive for the reasons given below.

Applicant Argues:

Applicant states on page 8 that Dala does not disclose an access evaluator as is presently claimed.

Examiner Responds:

Examiner is not persuaded. Examiner has repeatedly (in office actions and phone calls) requested applicant to point to the specification for a specific and deliberated definition of "access evaluator." Applicant has not been forthcoming. The present specification comprises 126 pages. It is impossible for the examiner to search through 126 pages for a specific and deliberate definition of access evaluator. Examiner has no option but to give "access evaluator" its broadest reasonable interpretation.¹

to find the value or amount of

¹ Webster's New World College Dictionary, Fourth Edition

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to determine the worth or quality of

(math) to find the numerical value of, to express in numbers

Examiner maintains that the present invention has **nothing** (emphasis added) to do with determining the value or amount of “accessing.” This does not make any sense at all. Examiner will not give patentable weight to the claim language “an access evaluator.” Examiner will interpret above claim limitation as a “method for accessing.” Access is granted when one or more steps are preformed.

Therefore, Dalal in FIG. 4 discloses a diagram of a method for accessing a remote database using pass-through query according to an embodiment of the invention. Examiner maintains that a user is granted access to a remote database when the steps in the flow diagram are correctly executed.

Applicant Argues:

Applicant states on page 7 “The access evaluator claim element was not previously under rejection with respect to lack of written description and thus Applicants traverse the Examiner’s contention that said limitation now lacks the same.

Examiner Responds:

Examiner is not persuaded. Applicant requested examiner to reexamine the present application in a continued examination. It is proper for applicant to point to the specification to prove that written description exists to support the claimed “access evaluator.” This is required such the examiner can further examine the present application on the merits. Furthermore, this is particularly relevant in view of the use of terminology that is **not** (emphasis added) well-known and accepted in the art (refer above). The rejection of lack of written description of the claimed

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“access evaluator” under the first paragraph of USC 112 is maintained. Still further, applicant is advised that should this application be remanded to the Board of Patent Appeals and Interferences, applicant will be required to map each and every element of the claims being appealed to the relevant section of the specification and drawings.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne P. LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached Monday through Friday, 8:00 am - 4:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on (571) 272-4080. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Etienne LeRoux

8/2/2007

A handwritten signature in black ink, appearing to read 'Etienne LeRoux', with a stylized, cursive script.

ETIENNE LEROUX
PRIMARY EXAMINER